

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2002:

Present

Vote

Donald E. Wiggins, Chairman
Walter C. Zaremba, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 18.1, SEWAGE DISPOSAL AND SEWERS, YORK COUNTY CODE, INCREASING THE INITIAL CONNECTION FEE AND MAINTENANCE FEES, DELETING UNNECESSARY LANGUAGE, AND ADOPTING THE COMMONWEALTH OF VIRGINIA STATE BOARD OF HEALTH SEWAGE HANDLING AND DISPOSAL REGULATIONS

BE IT ORDAINED by the York County Board of Supervisors this the _ day of _____, 2002, that Chapter 18.1, Sewage Disposal and Sewers, York County Code, be and it is hereby amended to read and provide as follows:

ARTICLE I. IN GENERAL

Sec. 18.1-2. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings stated in this section:

Soil absorption systems, general. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution. ~~Soil absorption systems subject to approval in York County are further classified as follows:~~

- ~~1. Conventional: An on-site disposal system that utilizes a septic tank(s) for preliminary treatment and from which the effluent flows by gravity directly to a soil absorption area for final treatment.~~
- ~~2. Elevated mound: An on-site system designed by an engineer that utilizes a septic tank(s) for treatment and from which the effluent discharges by gravity to a pumping chamber. It is then pumped to an elevated sand mound for intermediate treatment prior to percolating to an absorption area for final treatment.~~
- ~~3. Low pressure: An on-site system designed by an engineer that utilizes a septic tank(s) for preliminary treatment and from which the effluent discharges by gravity to a pumping chamber. It is then pumped into a pressurized system for uniform distribution over a soil absorption area for final treatment.~~

~~Sec. 18.1-11. Repeal of Chapter 18 and effective date.~~

~~Except as incorporated in articles VII, VIII, and IX of this chapter, the provisions of (former) chapter 18, Sewers and Sewage Disposal and Water Facilities, of the York County Code are repealed effective January 1, 1992. The provisions of this chapter shall be in effect on and after such date.~~

~~Any agreements made with developers regarding sewer construction or extension prior to the effective date of this chapter shall be completed in accordance with their terms and ordinances in effect at the time such agreements were made.~~

ARTICLE II. OPERATING PROCEDURES

Sec. 18.1-30. Prohibitions and limitations on use of the public sewer system.

- (a) No person shall discharge or deposit or cause or allow to be discharged or deposited into the public sewer system any wastewater which contains the following:
 - (1) *Oils and grease.*
 - a. Oil and grease concentrations or amounts from users violating federal, state, or HRSD pretreatment standards.
 - b. Wastewater from users containing floatable oil, wax, fats, or grease concentration of mineral origin of more than one hundred (100) milligrams per liter whether emulsified or not, ~~or containing substances which may solidify, precipitate, or become viscous at temperatures~~

~~between fifty degrees (50°) and one hundred degrees (100°) Fahrenheit at the point of discharge into the system.~~

- (2) *Any gasoline, benzene, naphtha, solvent, fuel oil or a liquid, solid, or gas* that may cause flammable or explosive conditions, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred-forty degrees (140°) Fahrenheit using test methods specified in 40 CFR 261.21.
 - (3) *Noxious material.* Noxious or malodorous solids, liquids, or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into the system for its operation, maintenance, and repair.
 - (4) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewer system, with no particle greater than one-half (1/2") inch in any dimension.
 - (5) *Radioactive waste.* Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating the system.
 - (6) *Solid or viscous wastes.* Solid or viscous wastes which will or may cause or contribute to obstruction in the flow of wastewater in a sewer, or otherwise interfere with the proper operation of the system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, mud, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, seafood processing by-products, and similar substances.
 - (7) *Unpolluted waters.* Any unpolluted water including, but not limited to: water from cooling systems or of storm water origin, which will increase the hydraulic load on the system.
 - (8) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the system. All wastes discharged to the system shall have a pH value in the range of five (5) to ten (10) standard units. Prohibited materials include, but are not limited to: acids, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form acidic products.
- (b) No person shall discharge or convey or permit or allow to be discharged or conveyed to the public sewer system any wastewater containing pollutants of such character or quantity that will:

- (1) Not be susceptible to treatment or cause interference with the process or efficiency of the system.
 - (2) Constitute a hazard to human or animal life or to the stream or water course receiving the wastewater treatment plant effluent.
 - (3) Violate federal, state, or HRSD pretreatment standards.
- (c) No person owning vacuum or septic tank pump trucks or other liquid wastewater transport trucks shall discharge directly or indirectly such wastewater into the public sewer system, unless such person shall first have applied for and received a permit from the county and HRSD for each vehicle. All applicants for this permit shall complete such forms as required by the county and HRSD, pay any required fees, and agree in writing to abide by the provisions of this section and any special conditions or regulations established by the county and HRSD. Such permit shall be limited to the discharge of domestic wastewater containing no industrial wastewater. The county and HRSD shall designate the locations and times where such trucks may be discharged and may refuse to accept any truck load of wastewater where it appears that the wastewater could cause interference with the effective operation of the wastewater system.
- (d) No person shall discharge any other holding tank wastewater into the system unless he shall have applied for and have been issued a permit by the county and HRSD. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each location of discharge. This permit shall include the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor and shall comply with the conditions of the permit. No permit, however, will be required to discharge domestic wastewater from a recreational vehicle or a marine vessel holding tank, providing such discharge is made into an approved facility designed to receive such wastewater.
- (e) Grease, oil, and sand traps shall be provided in accordance with the following:
- (1) Establishments involved in the preparation of food for commercial purposes shall provide grease interceptors or traps. Grease, oil, and sand interceptors or traps shall be provided by others when necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand and other harmful ingredients, except that such interceptors or traps will not be required for dwelling units.
 - (2) All interceptors or traps shall be of a type and capacity approved by the building official, and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, gastight, watertight, and equipped with easily removable covers.

- (3) All grease, oil, and sand interceptors or traps shall be maintained by the user in continuously efficient operation at all times.
- (4) Approval of proposed facilities or equipment by the health officer or building official does not, in any way, guarantee that such facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm, or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

ARTICLE III. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 18.1-40. Private sewer systems—Generally.

- (a) *Certain systems prohibited.* The installation of private sewer systems other than soil absorption systems ~~of the conventional, elevated mound or low pressure types is prohibited~~ approved by the latest edition of the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations and the York County Sanitary Sewer Standards and Specifications are prohibited.
- (b) *When soil absorption systems are permissible.* When any lot or parcel has been legally created or can be created by an otherwise approvable subdivision, and lies in an area where no public sewer which can serve the property is available, the building sewer may be connected to an approved soil absorption system if the site is determined by the health officer to be suitable for such a system to operate properly and in accordance with the provisions of this chapter.
- (c) *Provision of primary and secondary absorption areas.* Every lot or parcel of land proposed for development where an approvable soil absorption system is proposed shall have and provide both a primary and secondary absorption area. The secondary absorption area shall be equal in size to the primary area. Both the primary and required secondary absorption areas shall be located outside of any RPA that may apply to the property under the terms of section 24.1-372 of the county zoning ordinance. The secondary absorption area shall be used only in the event the primary absorption area fails and not for the purpose of expansion of the primary absorption area in order to accommodate additions to or enlargement of, the structure or structures served by the system.
- (d) *Soil absorption systems provisions for building.* Before commencement of construction of an approvable soil absorption system, the owner shall first obtain a written permit signed by the health officer. The application for such permit shall be on forms furnished by the Health Department, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the health officer. The type, capacity, location, and layout of a soil absorption system shall comply with all requirements of the Department of Health of the Commonwealth of Virginia and of this chapter. The approved permit issued by the health officer, along with any supporting data must be submitted with the application for a building permit.

- (e) *Same—Inspection by health officer.* An approved soil absorption system shall not be utilized until the installation is completed to the satisfaction of the health officer. The health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the health officer when the work is ready for final inspection and before any underground portions are covered.
- (f) *Same —Maintenance.* The owner shall operate and maintain the soil absorption system in a sanitary manner at all times and in accordance with any state health department requirements and the requirements of this chapter including any special conditions which may have been placed on the permit by the health officer. Each septic tank and/or pumping chamber ~~shall should either~~ be pumped out and the solids removed at least once every five (5) years, be inspected by a qualified person every five (5) years and pumped if necessary, or install a filter approved by the Health Department.
- (g) *Same—Correction of violations or malfunctions.* When notified by the health officer or the county of a violation of any provision of this chapter or of a malfunction, the owner of a soil absorption system shall complete the prescribed corrective actions within sixty (60) days. Failure to make such correction shall be a violation of this chapter.
- (h) *Use of private systems prohibited.* Nothing in this article shall be construed to permit the continued use of a private sewer system if connection to a public system is required by this chapter.

ARTICLE IV. CONSTRUCTION AND EXTENSION OF PUBLIC SEWER SYSTEMS

Sec. 18.1-52. Application, certificate to construct, inspection and payment of fees required.

- (a) *Certificates to construct.* Construction of or extensions to public sewer systems shall not begin until a certificate to construct has been issued by the county administrator. The construction of building sewers which serve multiple dwellings or structures or which extend off-site shall also require a certificate to construct.
- (b) *Applications.* Applications for a certificate to construct shall be submitted to the County and accompanied by a minimum of four (4) copies of plans and specifications prepared by a qualified licensed engineer or land surveyor practicing within the areas of competence prescribed by section 54-17.1 et seq of the Code of Virginia together with any other relevant contract documents and a plan review fee of ~~fifty one-hundred~~ one hundred dollars (\$~~50.00~~100.00).

- (c) *Issuance.* Upon approval of the plans, specifications, and contract documents and upon payment of required inspection fees, the county administrator shall issue a certificate to construct.
- (d) *Fees.* A certificate to construct shall not be issued until inspection fees in the amount of two hundred and ~~twenty-five~~ seventy-five dollars (~~\$225.00~~275.00) plus one dollar and 25 50 cents (~~\$1.25~~ 1.50) per foot for every foot of eight-inch or larger gravity sewer installed and one dollar and 25 50 cents (~~\$1.25~~ 1.50) per foot for every foot of two-inch or larger force main installed and one dollar and 25 50 cents (~~\$1.25~~ 1.50) per foot for every foot of vacuum sewer installed have been paid. In the case of building sewers required to be inspected pursuant to the provisions of section 18.1-24 of this chapter, an inspection fee shall be charged in the amount of one hundred dollars and ~~twenty-five~~ fifty dollars (~~\$125.00~~ 150.00) plus one dollar and 25 50 cents (~~\$1.25~~ 1.50) per foot for every foot of building sewer installed. The fees set forth in this subsection may not be reduced and are not refundable.
- (e) *Inspection.* The installation of public sewer systems and building sewers required to have a certificate to construct shall be inspected by the county and no part of such facilities shall be covered or obscured prior to inspection and approval by the county.
- (f) *Service laterals.* Service laterals, as approved, shall be provided by the applicant and installed at the time of construction.
- (g) *Connection to system regulated.* No connection between the existing public sewer system and new sewer construction shall be made until all required connection fees have been paid and all such construction has been approved by the county.

Sec. 18.1-53. Construction and extension.

- (a) The governing body may in its discretion extend the public sewer system to areas of the county which have not been previously served.
- (b) The governing body may permit the extension of the public sewer system by a developer. Public sewer extensions serving less than three connections may be approved administratively by the county administrator or his designee subject to the execution of a sewer extension agreement approved to form by the County Attorney. Extensions serving three or more connections ~~All such extensions~~ shall be at the request of the developer and shall be made pursuant to a contract authorized by the governing body, executed by the county administrator on behalf of the county, and approved as to form by the county attorney between the developer and the county. The contract shall include terms providing for the amount of all fees to be paid to the county and providing that the fees may be paid in a lump sum ~~or in four (4) installment payments over a two (2) year period, with the first installment payment due prior to any connections to the existing system. Subsequent installment payments are to be paid at eight (8) month increments. In no case shall the number of building permits issued by the county exceed the number of connection fees paid by the developer. or, may be paid with respect to any development phase or section prior to~~

the issuance of any building permits with respect to that phase or section. The contract shall also set forth any cost-sharing and provide that, upon completion and approval of the construction of such facilities, they shall become the property of the county. Such contracts shall be executed by all parties prior to the issuance of a certificate to construct. The provisions of this subparagraph apply to extensions which have not been approved by the county on the date of adoption of this section. The governing body may authorize an extension based on preliminary fee and cost-sharing information, and may authorize the County Administrator to execute agreements required by this section at some later time, provided however: (1) that the number of connections to the system approved by the governing body shall not later be increased more than (10%) without authorization of the governing body; and (2) that the standard connection fees, credits, and other fees and policies in effect at the time of execution of the agreement, as established by the governing body, shall be the basis for computing such fees.

- (c) All contractors installing facilities of the county shall be approved by the county.
- (d) For all construction under paragraph (b) above the location, type, and size of any facilities must comply with county standards and with plans established by the county for future sewer construction. Except as otherwise provided in section 18.1-54, the entire expense of construction shall be born by the developer.

Sec. 18.1-54. Cost sharing in public sewer construction.

- (a) It is the intent of this section to discourage the development of facilities outside designated primary service areas and to provide some assistance to a developer when facilities are constructed in complete accordance with public sewer phasing and construction plans. Recognizing that the developer will incur a certain level of expense to properly bring sewer service to a development, the intent is not to reimburse the developer for that expense. In all cases the developer must make an economic decision. The purpose of this section is to provide a degree of certainty to the cost of sewer service and to set forth those conditions under which the county will permit private construction of public sewer systems.
- (b) Upon request and under certain conditions, the county may share in the cost of providing public sewer when application for construction is made by a developer. The extent to which the county participates will be based on certain factors designed to maximize and channel limited public funds for sewer construction into those areas where sewer can be provided most effectively to promote the public health and welfare. Those factors are:
 - (1) The extent to which the sewer facilities are oversized at the request of the county to provide future use capacity.
 - (2) The extent to which the proposed development is within or ~~without~~ outside of a designated primary service area.

- (3) The extent to which the facilities consist of system facilities as opposed to local facilities.
- (c) Within the limits of funds available for sewer construction, the county will share costs if requested by the developer as follows:
 - (1) The total cost of local facilities shall in all cases be borne by the developer.
 - (2) When proposed development is to be located within a primary service area, the county will pay the additional construction cost of installing or oversizing system facilities required by the county for future use capacity or other needs. The county may offset its cost by deducting any system facility connection fees due to it from the developer. The county share shall be the difference between the estimated cost of the facilities necessary for future use and the cost of local facilities and system upgrades necessary to serve the development. The developer shall bear all design costs. The estimated costs shall be based upon current unit charges for sewer construction and shall be agreed to between the developer and the county.
 - (3) When proposed development is to be located outside a primary service area, the cost of installing or oversizing system facilities for future use capacity or other needs shall be borne by the developer. In addition to the cost of construction, the developer will be liable for a connection charge at the time of connection of the extension to public sewer facilities. Such fee shall be equal to the total initial connection fees due from the development without credit or reduction for the construction of local or system facilities or other costs paid by the developer.
 - (4) If no primary service areas have been established by the governing body, all proposed development shall be deemed to be within a primary service area.
- (d) If sufficient county funds are not available for sewer construction to enable the county to contribute fully as set forth in subsection (c) 2), then other sums may be negotiated on a case-by-case basis. In any event, the final sum to be contributed by the county to the construction and/or the total amount of connection fees due to the county, shall be set forth in the contract required by section 18.1-53.
- (e) Nothing in this section is to be construed to prohibit or restrict the governing body from extending or participating in the extension of the facilities of the county at the county's cost or on a different cost sharing basis than set forth in this section should the governing body determine that such an arrangement is in the county's best interest and furthers the goals of economic development or providing affordable housing opportunities.

ARTICLE V. PUBLIC SEWER CONNECTIONS AND CONNECTION FEES

Sec. 18.1-62. Connection requirements; timing; and fees.

- (a) The owner of any premises having access to facilities of the county, the construction of which facilities was completed after January 1, 1992, shall be required to connect to the public sewer system. Connection fees shall be paid ~~and connection made~~ within ninety (90) days and connection made within one-hundred twenty (120) days of notification that service exists. The applicable fee shall be the total initial connection fee set forth in section 18.1-64 of this chapter.
- (b) Any owner failing to connect to the facilities of the county as required by paragraph (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars (\$50). Each day that such failure continues shall constitute a separate offense. In addition, such owner shall be required to pay the regular connection fee as set forth in section 18.1-64 of this chapter.
- (c) The owner of any premises having service available by means of facilities of the county, the construction of which was completed after January 1, 1992, may connect to the public sewer system or voluntarily elect to pay the applicable connection fee and not connect. If the connection is made or arrangement for payment made within ninety (90) days of notification that service exists, the fee shall be the same fee as that imposed on owners who connect under paragraph (a) of this section. After such ninety-day period, the owner shall be required to pay the total regular connection fee.
- (d) The owner of premises having access to, or service available by, facilities of the county, the construction of which was completed prior to January 1, 1992, may connect to such facilities or voluntarily elect to pay the applicable connection fee and not connect. If connection or payment is arranged or made, the fee shall be the total initial connection fee set forth in section 18.1-64 of this chapter. ~~This paragraph shall not supersede those agreements described in section 18.1-11 of this chapter.~~
- ~~(e) The owner of any unimproved premises described in paragraph (c) of this section which premises is zoned for commercial or industrial use, may voluntarily choose to pay the lowest applicable non-residential initial connection fee within the required time period and preserve the right of the owner or his successor to pay the initial connection fee for a larger size connection if a larger connection is needed at the time of construction of improvements on the premises. If the owner intends to subdivide or develop the property at a later date, he may preserve the right to pay initial connection fees by paying the minimum initial total connection fee for each lot (or unit) which can be served by the facilities then in place, and the minimum initial system facility charge for each lot (or unit) to which the owner expects to have to construct local facilities at a later date, provided such payments are made within the time specified in paragraph (c). No refund of any such fees shall be made. The connection fee to be paid at the time of actual connection shall be the difference between the then required initial connection fee for the actual size of the connection and the fee paid pursuant to this paragraph.~~

- ~~(f) The owner of any unimproved premises described in paragraph (c) which is zoned for residential uses who intends to subdivide the property (or develop multifamily units) at a later date may preserve the right to pay initial connection fees by paying the initial total connection fee for each lot (or unit) which can be served by the facilities then in place, and the initial system facility charge for each lot (or unit) to which the owner expects to have to construct local facilities at a later date, provided such payments are made within the time specified in paragraph (c). No refund of any such fees shall be made. The connection fee to be paid at the time of actual connection shall be the difference between the then required initial connection fee and the fee paid pursuant to this paragraph.~~
- ~~(g)~~(e) The connection requirements, fees, and times set forth in this section shall not apply where the county administrator has determined that public sewer service is not available to abutting property due to the nature of, or limitations on, the facilities of the county. For purposes of this section, property which abuts a public road owned and maintained by the Commonwealth of Virginia or the county and which is separated from the facilities of the county by the surfaced area of such road, shall be deemed not to have public sewer available unless a lateral has been installed under the pavement which can serve the property.
- ~~(h) The provisions of this section shall not apply to premises which have paid the applicable connection fee or arranged to pay the applicable connection fee through agreement with the county prior to the effective date of this section.~~
- ~~(i)~~(f) When extensions of the facilities of the County are made pursuant to Section 18.1-53(b), the owner of any premises having access to, or service available by, the facilities of the County and having, at the time of the extension, an operating soil absorption system, which has been inspected and approved by the Health Department, may connect to such facilities and pay the applicable initial connection fee as set forth in Section 18.1-64 of this chapter at the time the owner elects to connect. Should the owner of such premises receive written notification from the Health Department of a failing system, the provisions in Section 18.1-62(a) and (b) shall apply and the applicable time limits shall begin to run on the date of receipt of such notice.

Sec. 18.1-63. Application for connection; permit required.

- (a) No person shall connect any premises with the facilities of the county without first obtaining a permit to do so from the county administrator. The owner of the premises, or such owner's authorized agent, shall make application therefor on forms furnished by the county. All applications shall clearly indicate the activities on the premises for which the service to be rendered by the public sewer system will be used.
- ~~(b) Any owner of premises who uses or permits the use of the public sewer system for any unapproved purpose shall be guilty of a violation of this chapter.~~

~~(e)~~(b) No permit for connection shall be issued until all required fees have been paid and the manner of connection (including the qualifications of the person making the connection) have been approved.

~~(d)~~(c) No building permit for a structure that will connect ~~connection~~ to the public sewer facilities of the county shall be issued until the construction of the public sewer facilities of the county has been completed and approved. Prior to the completion of construction, a permit may be issued if:

- (1) In the case of residential buildings, the county administrator determines that completion of construction of the required public sewer facilities to county standards is probable within ~~ninety thirty~~ (90 30) days; or,
- (2) In the case of commercial or industrial buildings, the county administrator determines that completion of construction of the required public sewer facilities to county standards is probable within one hundred eighty (180) days.

~~If permits are issued prior to the completion of the public sewer facilities pursuant to subsections (1) or (2) above, construction of the required public sewer facilities shall be secured through an agreement with the county, and adequate surety posted in the form of a cash escrow or letter of credit approved as to form by the county attorney, with the terms of said agreement requiring initiation and completion and approval of such facilities within the applicable time frame (ninety (90) days or one hundred eighty (180) days); provided, however, that where the estimated construction schedule for a commercial or industrial building is greater than one hundred eighty (180) days, the county administrator may allow the terms of the above described agreement and surety to authorize a construction schedule and completion date for the public sewer facilities which corresponds with the construction schedule for the commercial or industrial building.~~

(3) In the case of residential buildings that are in the service area of a County Sewer Extension Project, the county administrator determines that completion of construction of the required public sewer facilities to the county standards is probable within one hundred eighty (180) days.

Sec. 18.1-64. Connection fees established.

- (a) Any person required or desiring to connect to the facilities of the county shall, unless otherwise provided in this chapter, pay the connection fees set forth in the schedule which follows as a part of this section. Such fees shall be paid at such time as required by this chapter. The connection fee to be paid shall be the indicated total initial fee or total regular fee as required. The connection fee shall not include the actual cost of connection which shall be borne by the applicant. Existing commercial or industrial connections may upgrade the connection size by paying the initial connection fee applicable to the larger size connection. A credit will be given for connection fees previously paid. Columns entitled "Local Facility Charge" and "System

Facility Charge" are used only for the purposes referred to in other sections of this chapter:

CONNECTION FEE SCHEDULE [18.1-64(a)]						
Type of Connection	Initial Connection Fee			Regular Connection Fee		
	(a) Local Facility Charge	(b) System Facility Charge	(c) Total Initial Fee	(d) Local Facility Charge	(e) System Facility Charge	(f) Total Regular Fee
A. Single-family Detached Dwelling	\$1,000 \$1,000	\$2,300 \$1,875	\$3,300 \$2,875	\$3,025	\$5,600	\$8,625
B. Single or Multi-Family Attached and Mobile Home Park:						
1. First Ten (10) Units (each)	1,000 1,000	2,300 1,875	3,300 2,875	3,025	5,600	8,625
2. Additional Units Connected with First Ten	500 450	1,000 875	1,500 1,325	1,375	2,600	3,975
C. All Other Facilities: Water Meter Size ¹ (Inches)						
Larger Than But Not Larger Than						
0 -5/8	1,000 1,000	2,300 1,875	3,300 2,875	3,025	5,600	8,625
-5/8 3/4	1,350 1,450	3,650 3,175	5,000 4,325	3,450	6,625	10,075
3/4 1	1,700 1,450	6,600 5,750	8,300 7,200	3,750	12,075	15,825
1 1 1/2	3,250 2,875	13,250 11,500	16,500 14,375	4,600	18,400	23,000
1 1/2 2	5,500 4,600	21,000 18,400	26,500 23,000	6,900	27,600	34,500
2 (Including Compound Meters)	(c) 5	4(c) 5	\$ 275,150 for each gallon per minute of water meter capacity as determined by American Water Works Association Standards	(f) 5	4(f) 5	(c)+17,250

¹ Those facilities where a large portion of the flow through the water meter is to be used in a process, other than in an agricultural process, which does not return that portion of the flow to the facilities of the county shall have their tap fee based on the meter size determined by AWWA Manual M-22, 1975 (Sizing Meter Service Lines and Meters) necessary to handle those flows which are returned to the facilities of the county. Fire service meter size shall not be considered in determining the connection fee.

- (b) If any facility whose connection fee is based on a water meter size is not connected to a metered water system, the county administrator may require the installation of a meter or may make a reasonable estimate of the meter requirements for the facility for the purpose of establishing the appropriate connection fee.
- (c) The provisions of this section shall not apply to premises which have paid the applicable connection fee or arranged to pay the applicable connection fee through agreement with the county prior to the date of adoption of this section.
- (d) A credit of ~~\$400-\$500~~ shall be allowed against the above fees when a grinder pump is installed to service an existing premise as part of a County financed sewer extension project in accordance with regulations adopted pursuant to Section 18.1-3.
- (e) Notwithstanding the provisions of paragraph (a) of this section, the connection fees established by the governing body in ~~1992 1998~~ with the adoption of chapter 18.1 shall apply to any development or site plan having final approval from the county prior to ~~January 1, 1998~~ July-September 1, 2002. In addition to these developments, the connection fees adopted in ~~1992- 1998~~ shall also apply for any project being financed by the county for which the preliminary design has started by ~~January 1, 1998~~ July-September 1, 2002. For such projects, the regular connection fee shall be that fee which is in effect at the time of connection.
- (f) Property owners may prepay the initial sanitary sewer connection fee for those properties that are included in a service area defined in the Utilities Strategic Capital Plan. Upon payment of the initial connection fee the provisions of Section 18.1-72 (a) will apply.

ARTICLE VI. RATES AND BILLING PROCEDURES

Sec. 18.1-72. Rates—Generally; effective ~~January 1, 1993~~ July-September 1, 2002.

- (a) *Payment—Generally.* The service charges set forth in this section shall be paid by all users of the public sewer system beginning ~~January 1, 1993~~ July-September 1, 2002. For new development, user charges shall commence with the ~~approval of the application for service issuance of a certificate of occupancy. Nonusers owning premises having access to the facilities of the county shall also pay the service charges set forth in this section, having agreed to do so in return for the benefit of paying the initial connection fee.~~ Nonusers owning premises having access to the facilities of the county or service available shall pay service charges equal to sixty-five percent (65%) of the service charges set forth in this section having agreed to do so in return for the benefit of paying the initial connection fee.

- (b) *Bimonthly rate for single-family residential equivalents.* A bimonthly service charge of ~~thirty-one~~ thirty-four dollars and fifty cents (~~\$31.50~~ 34.50) shall be paid to the county by single-family residential equivalents. A single-family residential equivalent is a mobile home, an apartment, a single-family detached dwelling, a town-house, or any other unit used to house a single family on a full-time basis.
- (c) *Bimonthly rates for users other than single-family residential equivalents.* If water consumption is measured in cubic feet, a bimonthly service charge per meter of two dollars and ~~six~~ forty cents (~~\$2.06~~ 2.40) per one hundred (100) cubic feet or a minimum charge of \$10.00 shall be paid to the county by users other than single family residential equivalents. If water consumption is measured in gallons, a bi-monthly service charge per meter of ~~two~~ three dollars ~~and seventy-five cents~~ (~~\$2.75~~ 3.00) per one thousand (1,000) gallons or a minimum charge of \$10.00 shall be paid to the county by users other than single-family residential equivalents. Service charges, unless otherwise set forth herein, shall be based upon water consumed on the premises as measured by the meter or meters used for such purpose. In any case where the premises are not connected to a water system for which water consumption figures satisfactory to the county are available, the bimonthly service charge shall be ~~thirty-one~~ thirty-four dollars and fifty cents (~~\$31.50~~ 34.50), plus ~~five~~ six dollars and ~~seventy-five cents~~ (~~\$5.75~~ 6.00) for each employee.
- (d) *Reduction in charges for users other than single-family residential equivalents.* Premises other than single-family residential equivalents, which do not discharge the entire volume of water into a public sewer, shall be allowed a reduction in charge, provided the owner installs, at his expense, a meter or meters satisfactory to the county for measuring or determining the volume of water consumed and not discharged, or the volume of waste discharged into the public sewer.
- (e) *Authority to require installation of measuring devices.* The county reserves the right to require the installation of facilities for measuring or determining the volume of water consumed or the volume of waste discharged into the sewer.
- (f) *Commencement of service charges.* Service charges imposed by this section shall commence on the first day of the immediately succeeding billing period in the case of new connections to the public sewer system and at the time prescribed in the application for service in all other cases.

Sec. 18.1-76. Application for service; deposit required.

- (a) ~~Any applicant desiring service shall file a signed application therefor with the county on the prescribed form. The written application shall serve as a contract with the county in which the applicant agrees to pay for all service and to observe, comply with, and be bound by all ordinances, rules, regulations, terms and conditions prescribed for and related to the use of the public sewer system.~~

- (b) No new or reinstated service shall be supplied to any applicant until payment of a cash deposit equal to the estimated charge for one (1) bimonthly billing period. The deposit shall be held by the county until such applicant ceases to be served by the system at which time any portion of such deposit due shall be returned without interest to the applicant by whom it was made, provided that all unpaid charges and fees shall be deducted from the amount of the deposit. If the deposit is not sufficient to pay all charges and fees due, the remaining balance shall be subject to normal collection procedures of the county. A deposit shall not be required for single family residential equivalents as defined in section 18.1-72(b) or its successor sections except in the case of rental units which are master metered as one (1) connection.

Sec. 18.1-77. Water not to be supplied until written application for sewer and deposit received.

No water purveyor within the county shall provide or transfer service to a new customer, other than single-family residential equivalents, served by facilities of the county until such customer produces evidence that the application and deposit, if any, required by section 18.1-76 of this chapter have been made.

Sec. 18.1-79. When bills to be paid; overdue accounts.

- (a) Sewer service charges shall be due upon receipt of the statement rendered by the county and shall be considered delinquent thirty (30) days following the billing date. A late charge of ten percent (10%) of the amount due or five dollars (\$5.00), whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of ten percent (10%) per annum shall be charged on the aggregate of the payment and penalty due beginning with the date the penalty is applied. If any bill shall not be paid within forty-five (45) days of the billing date, the water supply to the premises shall be discontinued as provided for in section 18.1-82 of this chapter.
- (b) In lieu of discontinuing water service as provided for in paragraph (a) of this section, the county administrator may enter into agreements by which the owners of the premises for which bills for service are unpaid may be allowed to pay the amount owed including the penalty and interest owed in installment payments, such agreements to contain such other reasonable terms and conditions as may be necessary to ensure payment, and to be approved as to form by the county attorney. Such agreements shall provide that late payment of any installment payment or a failure to pay current amounts due shall result in immediate discontinuance of the water supply to the premises.
- (c) Any unpaid sewer connection fee or any installment thereof, or any unpaid service charge, together with any penalty and interest, shall become a lien superior to the interest of any owner, lessee, or tenant, and next in succession to county taxes on the real estate ~~benefitted~~benefited by any such facilities. Such lien may be discharged by

payment to the county of the total amount of such lien, together with penalty and interest accrued thereon to the date of payment. If any such charges remain unpaid for a period of sixty (60) days from the billing date, the county administrator shall within thirty (30) days certify such charges as being unpaid to the clerk of the circuit court who shall docket the same in the appropriate lien books of the circuit court.
